

# Exhibit A

**From:** Brandi Wiginton <BWiginton@jacksonallenfirm.com>  
**Sent:** Wednesday, September 6, 2017 2:27 PM  
**To:** Richard North; Maria Turner; Matthew Lerner  
**Cc:** Jennifer Williams  
**Subject:** In Re: Bard IVC Filters Products Liability Litigation; MDL No. 2641; Humberto Moya v. C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.; Civil Action No. 2:17-cv-02990-DGC  
**Attachments:** 1. Complaint.pdf; Waiver of Service (Moya, Humberto).pdf

To whom it may concern:

Pursuant to Second Amended Case Management Order No. 4, attached please find the Short Form Complaint and Waiver of Service of Summons for the following case:

In Re: Bard IVC Filters Products Liability Litigation; MDL 2641  
Civil Action No. 2:17-cv-02990-DGC  
Humberto Moya v. C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.

Our office represents Plaintiff, Humberto Moya. Please execute the attached Waiver of Service of Summons and forward such to the below attorney:

Jennifer Williams, Esq.  
Jackson Allen & Williams, LLP  
3838 Oak Lawn Avenue, Suite 1100  
Dallas, Texas 75219  
[jwilliams@jacksonallenfirm.com](mailto:jwilliams@jacksonallenfirm.com)

Thank you for your attention to this matter. If you have any questions or concerns, please feel free to contact our office. Have a nice day.

Brandi M. Wiginton,  
Legal Assistant

Jackson Allen & Williams, LLP  
3838 Oak Lawn Ave., Suite 1100  
Dallas, Texas 75219  
214-521-2300 Telephone  
214-452-5637 Facsimile

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## UNITED STATES DISTRICT COURT

for the  
District of ArizonaHumberto Moya*Plaintiff*

v.

C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.*Defendant*

Civil Action No. 2:17-cv-02990-DGC

## WAIVER OF THE SERVICE OF SUMMONS

To: Jennifer Williams*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 09/06/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

*Signature of the attorney or unrepresented party*C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.*Printed name of party waiving service of summons*Richard B. North, Jr.*Printed name*

Nelson Mullins Riley & Scarborough, LLP  
201 17th St. NW, Suite 1700, Atlantic Station  
Atlanta, GA 30363

*Address*richard.north@nelsonmullins.com*E-mail address*(404) 322-6000*Telephone number*

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Humberto Moya

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:

California

1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                 at the time of injury:

3                 California

4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5                 California

6           7.     District Court and Division in which venue would be proper absent direct  
7                 filing:

8                 United States District Court for the Central District of California

9           8.     Defendants (check Defendants against whom Complaint is made):

10           ☒     C. R. Bard Inc.

11           ☒     Bard Peripheral Vascular, Inc.

12           9.     Basis of Jurisdiction:

13           ☒     Diversity of Citizenship

14           ☐     Other: \_\_\_\_\_

15           a.     Other allegations of jurisdiction and venue not expressed in Master  
16                 Complaint:

17  
18  
19  
20           10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
21                 a claim (Check applicable Inferior Vena Cava Filter(s)):

22           ☐     Recovery<sup>®</sup> Vena Cava Filter

23           ☐     G2<sup>®</sup> Vena Cava Filter

24           ☐     G2<sup>®</sup> Express Vena Cava Filter

25           ☐     G2<sup>®</sup> X Vena Cava Filter

26           ☒    Eclipse<sup>®</sup> Vena Cava Filter

27           ☐     Meridian<sup>®</sup> Vena Cava Filter

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- ☐ Denali® Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

02/23/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable California (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages



☐ Other(s): \_\_\_\_\_ (please state the facts  
supporting this Count in the space immediately below)

N/A

13. Jury Trial demanded for all issues so triable?



Yes



No

RESPECTFULLY SUBMITTED this 1st day of September, 2017.

**JACKSON ALLEN & WILLIAMS, LLP**

By: /s/ Jennifer Williams

Jennifer Williams

John H. "Trey" Allen, III

3838 Oak Lawn Ave., Suite 1100

Dallas, Texas 75219

*Attorneys for Plaintiff*

I hereby certify that on this 1st day of September, 2017, I electronically  
transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and  
transmittal of a Notice of Electronic Filing.

/s/ Jennifer Williams